



May 30<sup>th</sup>, 2012

**VIA ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

In Re: WT Docket No. 11-69, ET Docket No. 09-234  
*Ex Parte* submission

Dear Ms. Dortch:

Motorola Solutions, Inc. (MSI) hereby submits these additional comments in response to a recent series of ex parte filings by Harris Corporation (Harris), PowerTrunk, and others, in which issues were raised related to the Part 90 certification of PowerTrunk's Digital Land Mobile Radio (D-LMR) equipment for use in multiple frequency bands, including the 800 MHz band.

In a previous filing, MSI requested the Commission affirm that "...any equipment certified under Part 90 to operate in the 800 MHz NPSPAC channels must meet any and all requirements that the Commission has identified to ensure Public Safety interoperability."<sup>1</sup> including, as an example, the requirement that all devices certified to operate in the NPSPAC channels must, per 47 CFR § 90.203(i), "...have the capability to be programmed for operation on the mutual aid channels as designated in 47 CFR § 90.617(a)(1) of the rules."

In the discussion on this issue, arguments have now been made that some deployed networks operating, at least in part, on frequencies in the 800 MHz NPSPAC band are not, in fact, public safety networks. The implication is that, although the NPSPAC band is clearly reserved by the FCC's rules for the exclusive use of public safety<sup>2</sup>, those networks that are considered by the operator to not fall under the banner of Public Safety are not required to comply with the Commission's interoperability requirements. Since there does not appear to be anything in the Part 90 rules that supports this position, MSI believes that a clarification from the Commission on the networks that are allowed use of the NPSPAC channels, or any other spectrum reserved for Public Safety, is also necessary.

MSI believes that the resolution of these key questions would be of significant benefit to all licensees in the 800 MHz band, providing clarity to licensees, potential licensees, and the Regional Planning Committees that must coordinate the use of this critical spectrum.

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<sup>1</sup> See Motorola Solutions, Inc. Ex Parte Notice, WT Docket No. 11-69, ET Docket No. 09-234 at 2 (filed March 30<sup>th</sup>, 2012) ("MSI")

<sup>2</sup> See Improving Public Communications in the 800 MHz Band, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, WT Docket No. 02-55, FCC 04-168 ¶ 23 (Rel. August 6<sup>th</sup>, 2004)



Therefore, in addition to again asking the FCC to affirm that any equipment certified under Part 90 to operate in the 800 MHz NPSPAC channels comply with any and all interoperability requirements, we also request that the FCC in fact affirm that, minus a Waiver Order from the Commission to the contrary, any network that operates in spectrum reserved for public safety use, such as in the 800 MHz NPSPAC band, or under a primary license in the 700 MHz Public Safety band is, by definition, a public safety system, which must comply with all requirements associated with operation of a public safety network in that band.

Also, in our previous filing, MSI raised a concern that "...the introduction of non-similar communication technologies into the NPSPAC channels could greatly increase the required effort by the relevant Regional Planning Committees to ensure that interference to users occupying adjacent NPSPAC channels in that region is avoided."<sup>3</sup> We believe that this concern has now been realized, with the issues that are being raised and debated within the Region 8 and 28 Planning Committees.

MSI believes that it is imperative that the Commission resolve these issues, rather than leaving them for the Regional Planning Committees to deal with on a case-by-case basis. If the Commission issues guidance that ensures uniform requirements for testing with a frequency offset of 12.5 kHz from the center frequency to receive certification to operate in the NPSPAC channels are adopted, this would minimize the impact on the efforts of the Regional Planning Committees when considering the deployment of diverse technologies in this band, and ensure the smooth deployment of new networks, and of the expansion of existing networks, in each geographic region.

Lastly, we would like to again reiterate that the avoidance of interference and the assurance of interoperability are two issues of critical importance to the users of Public Safety communications equipment, particularly those operating in the 800 MHz NPSPAC band. As the Commission assesses the potential impact of the critical issues being debated in this proceeding, we respectfully request that the Commission carefully consider all of the potential impacts to incumbent Public Safety licensees, before determining the appropriate way forward.

Respectfully Submitted,

/s/ Chuck Powers

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<sup>3</sup> See MSI at 2